

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3 are active in this case, Claims 4-14 having been withdrawn; Claims 15-16 having been added; and Claims 1-3 having been amended by the present amendment. Support for amended Claims 1-3 and new Claims 15-16 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1-3 were rejected under 35 U.S.C. §112, second paragraph; Claim 1 was rejected under 35 U.S.C. §102(b) as anticipated by Maeda et al. (WIPO Publication No. WO 03/098726 using U.S. Patent No. 7,316,856 as an English equivalent; hereinafter Maeda); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Maeda in view of Hayashi et al. (U.S. Patent Application Publication No. 2002/0146610; hereinafter Hayashi); and Claim 2 was indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph and rewritten in independent form.

Applicants acknowledge with appreciation the indication of allowable subject matter.

In response to the rejection of Claims 1-3 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that the amendments to Claims 1-3 address the issues identified on pages 2-3 of the outstanding Office Action.

Accordingly, Applicants respectfully request that the rejection of Claims 1-3 under 35 U.S.C. §112 be withdrawn.

¹ See, for example, original Claims 1-3 and page 16 lines 13-20 of the specification.

In response to the rejection of Claim 1 under 35 U.S.C. §102(b) as anticipated by Maeda, Applicants respectfully submit that independent Claim 1 recites features clearly not taught or rendered obvious by Maeda.

Independent Claim 1 is directed to a flat type polymer electrolyte fuel cell including, *inter alia*:

...1st to (n-1)th unit conductive substrates of the n unit conductive substrates that form the collector portion in one of the fuel-feed-side separator or the oxygen-feed-side separator, as counted from an end of an array direction thereof, and 2nd to nth unit conductive substrates of the n unit conductive substrates that form the collector portion in another of the fuel-feed-side separator or the oxygen-feed-side separator, as counted from the end of the array direction thereof are ***successively joined together by (n-1) connecting hinges***.

Turning now to the applied reference, page 3 of the outstanding Office Action asserts that Maeda describes the claimed (n-1) connecting hinges by the feature labeled as component 41 in Maeda's Figure 6C.

Further, column 13, lines 32-37 of Maeda describes the component 41 as follows:

Then, by the use of a dispenser or a printing method such as screen printing, ***conductive paste*** is filled in the through hole 45 and the hole portions 46 thereby ***to form filled vias 41*** and 42 (FIG. 8(c)). Thereafter, by the use of the dispenser or the printing method, wiring 43 is further formed using the conductive paste (FIG. 8(d)). (emphasis added).

Thus, the component 41 is not a hinge but rather a via filled with a conductive paste. It is respectfully submitted that a via filled with conductive paste is different from a hinge and fails to achieve the benefits of a hinge as described in a non-limiting embodiment of Applicants' invention at page 16, lines 12-20 of the Applicants' specification as follows:

Typically, the fuel-feed-side separator 11 and the oxygen-feed-side separator 21 could be fabricated by a process wherein ***the collector portions 12 and 22 are prepared while they are joined together via the connecting hinges 31***, and the thus prepared collector portion 12 ***is aligned with and fixed to*** the insulating frames 15 and 16 while, at the same time, the thus

prepared collector portion 22 is aligned with and fixed to the insulating frames 25 and 26. (emphasis added).

Additionally, it is respectfully submitted that the filled via 41 of Maeda describes only a ***single*** connecting member. Thus, Maeda fails to specifically describe ***(n-1) connecting hinges***.

Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. §102 be withdrawn.

In response to the rejection of Claim 3 under 35 U.S.C. §103(a) as unpatentable over Maeda in view of Hayashi, Applicants note that Claim 3 is dependent on independent Claim 1, and is believed to be patentable at least for the reasons described above. Further, Applicants respectfully submit that Hayashi fails to cure any of the above-noted deficiencies of Maeda.

Thus, Applicants respectfully request that the rejection of Claim 3 under 35 U.S.C. §103(a) be withdrawn.

Additionally, Applicants respectfully submit that neither Maeda, Hayashi, nor any proper combination thereof teaches or renders obvious the subject matter of new Claims 15 and 16.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Derek P. Benke
Registration No. 56,944